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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/675,349

09/30/2003

William E. Mazzara JR.

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7590 06/01/2007  
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EXAMINER

PHUONG, DAI

ART UNIT

PAPER NUMBER

2617

MAIL DATE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/675,349	Applicant(s) MAZZARA, WILLIAM E.	
	Examiner Dai A. Phuong	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-3,5,6,8 and 21-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5,6,8 and 21-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's arguments, filed 04/03/2007, with respect to claims have been considered but are moot in view of the new ground(s) of rejection. Claims 4, 7 and 9-21 have been canceled and claims 21-32 have been added in response filed on 04/03/2007. Claims 1-3, 5-6, 8 and 21-32 are currently pending.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 26 and 32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 26 and 32, the Applicant particularly point out whereof specification supports the limitations of claims 26 and 32.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 1-3, 5-6, 8, 21-23 and 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cox et al. (Pub. No: 20030216145) in view of Rigo et al. (Pub. No: 20020049535).

Regarding claim 1, Cox et al. disclose a method for responding to digital vehicle requests, the method comprising:

receiving a voice query at a wireless telephone in a vehicle (fig. 1, [0025] to [0058]);

converting the voice query to a digital signal (fig. 1, [0025] to [0058]);

wherein transmitting the signal from the wireless telephone to a computer-end recipient at a call center node in communication with an information database, wherein the digital signal is sent to the computer-end recipient at the call center node via a packet data protocol over a wireless network (fig. 1, [0025] to [0058]);

parsing the signal using the computer-end recipient at the call center node to determine an inquiry (fig. 1, [0025] to [0058]);

accessing the information database based on the inquiry (fig. 1, [0025] to [0058]);

formulating at least one response to the inquiry using the computer-end recipient (fig. 1, [0025] to [0058]);

transmitting the at least one formulated response format via the digital packet data protocol over the wireless network to the wireless telephone (fig. 1, [0025] to [0058]); and

translating the at least one formulated response to an analog format for playback in the vehicle (fig. 1, [0025] to [0058]). However, Cox et al. do not disclose receiving a voice query at *a telematic unit* in a vehicle.

In the same field of endeavor, Rigo et al. disclose receiving a voice query at *a telematic unit* in a vehicle or using the telematic unit to request information for a server (fig. 2, [0041] to [0044]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the wireless telephone of Cox et al. by specifically including receiving a voice query at *a telematic unit* in a vehicle, as taught by Rigo et al., the motivation being in order to use a voice-actuated system that can provide the motorist with relevant information concerning hotels or restaurants in the vicinity, contact the hotel or restaurant and obtain up-to-date menu, rate, room availability, or other such information, or make a reservation at the restaurant or hotel for the motorist, and confirm the reservation automatically over the Internet. In addition, Telematics unit technology assists travelers, trucking operators, or other transport operators in efficient travel, increased efficiency and productivity, and reduced driving times through optimized route selection and congestion avoidance.

Regarding claim 2, the combination of Cox et al. and Rigo et al. disclose all the limitations in claim 1. Further, Rigo et al. disclose the method further comprising: optimizing the telematics unit for transmission of the voice query to a computer call center node (fig. 1, [0041] to [0044]).

Regarding claim 3, the combination of Cox et al. and Rigo et al. disclose all the limitations in claim 2. Further, Rigo et al. disclose the method further comprising: filtering the received voice query before converting it to the digital signal (fig. 2, [0041] to [0044]). It is obvious the telematic includes a filter which filters noise while receiving voice from a user).

Regarding claim 5, the combination of Cox et al. and Rigo et al. disclose all the limitations in claim 1. Further, Cox et al. disclose the method further comprising: transmitting the signal to the call center using a cellular packet data connection (fig. 1, [0025] to [0058]).

Regarding claim 6, the combination of Cox et al. and Rigo et al. disclose all the limitations in claim 1. Further, Cox et al. disclose the method further wherein transmitting the at least one formulated response via the digital packet data protocol over the wireless network to the telematics unit comprises: transmitting the at least one formulated response in a digital streaming audio format (fig. 1, [0025] to [0058]).

Regarding claim 8, the combination of Cox et al. and Rigo et al. disclose all the limitations in claim 1. Further, Cox et al. disclose the method further wherein transmitting information via the wireless network further comprises transmitting information via an Internet protocol (fig. 1, [0025] to [0058]).

Regarding claim 21, this claim is rejected for the same reason as set forth in claim 1.

Regarding claim 22, the combination of Cox et al. and Rigo et al. disclose all the limitations in claim 21. Further, Cox et al. disclose the method further wherein the digital cellular packet data protocol is the digital cellular 3G packet data protocol (fig. 1, [0025] to [0058]).

Regarding claim 23, the combination of Cox et al. and Rigo et al. disclose all the limitations in claim 21. Further, Cox et al. disclose the method further wherein the step of transmitting the digital signal to a remote computer-end recipient via a digital cellular packet

data protocol, further comprises transmitting the digital signal via a digital streaming audio format (fig. 1, [0025] to [0058]).

Regarding claim 27, the combination of Cox et al. and Rigo et al. disclose all the limitations in claim 21. Further, Rigo et al. disclose the method wherein the parsing step further comprises transforming the digital signal into computer commands to determine the inquiry ([0041] to [0044]).

Regarding claim 28, the combination of Cox et al. and Rigo et al. disclose all the limitations in claim 21. Further, Rigo et al. disclose the method wherein the parsing step and formulating step are automated by the computer-end recipient ([0041] to [0044]).

Regarding claim 29, the combination of Cox et al. and Rigo et al. disclose all the limitations in claim 21. Further, Rigo et al. disclose the method wherein the presenting step further comprises converting the at least one formulated response to an analog signal and playing the signal as audio through at least one speaker in the vehicle ([0017] and [0041] to [0044]).

6. Claims 24-26 and 30-32 rejected under 35 U.S.C. 103(a) as being unpatentable over Cox et al. (Pub. No: 20030216145) in view of Rigo et al. (Pub. No: 20020049535) and further in view of Isaac et al. (U.S. 6748211).

Regarding claims 24 and 30, the combination of Cox et al. and Rigo et al. disclose all the limitations in claim 1. However, the combination of Cox et al. and Rigo et al. do not disclose the method further comprising the step of compressing the digital signal prior to the transmitting step to reduce the amount of data transmitted in the data packets from the vehicle to the computer-end recipient.

In the same field of endeavor, Isaac et al. disclose the step of compressing the digital signal prior to the transmitting step to reduce the amount of data transmitted in the data packets from the vehicle to the computer-end recipient (col. 11, lines 17-61 and col. 15, line 53 to col. 16, line 30).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the wireless telephone of the combination of Cox et al. and Rigo et al. by specifically including the step of compressing the digital signal prior to the transmitting step to reduce the amount of data transmitted in the data packets from the vehicle to the computer-end recipient, as taught by Isaac et al., the motivation being in order to transmit and receive voice and data communications to and from the service center. In addition, that application assists the system to save bandwidth and resources.

Regarding claims 25 and 31, the combination of Cox et al. and Rigo et al. and Isaac et al. disclose all the limitations in claim 24. Further, Isaac et al. disclose the method further comprising the step of compressing the at least one response (col. 11, lines 17-61 and col. 15, line 53 to col. 16, line 30).

Regarding claims 26 and 32, the combination of Cox et al. and Rigo et al. and Isaac et al. disclose all the limitations in claim 25. Further, Isaac et al. disclose the method wherein the digital signal is compressed with a compression ratio at least twice the compression ratio used to compress the at least one response (col. 11, lines 17-61 and col. 15, line 53 to col. 16, line 30. It is obvious that the response is just a simple acknowledgment, e.g., burst signal which contains a small amount of data. In contrast, the voice query would be a large mount of data that requires a higher rate of compression).



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*Conclusion*

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dai A Phuong whose telephone number is 571-272-7896. The examiner can normally be reached on Monday to Friday, 9:00 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nguyen Duc can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dai Phuong

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Date: 05/23/2007



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